

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

|   |   |                           |
|---|---|---------------------------|
| <b>BARRY M. PORTNOY and</b>               | : |                           |
| <b>GERARD M. MARTIN, as Trustees for</b>  | : |                           |
| <b>HUB PROPERTIES TRUST,</b>              | : |                           |
| <b>Plaintiffs,</b>                        | : | <b>NO. 02-CV-2905</b>     |
| :   |   |                           |
| <b>v.</b>                                 | : | <b>HONORABLE CLIFFORD</b> |
|   |   | <b>SCOTT GREEN</b>        |
| <b>OMNICARE PHARMACEUTICS, INC.</b>       | : |                           |
| <b>and</b>                                | : |                           |
| <b>OMNICARE CLINICAL RESEARCH, INC. ,</b> | : |                           |
| <b>Defendants.</b>                        | : |                           |
| :   |   |                           |

**JOINT MOTION AND STIPULATION TO DISMISS WITH PREJUDICE**

The parties in the captioned matter, by and through their respective counsel, hereby stipulate and agree that they have compromised and settled the above-referenced action.

Pursuant to Local Rule 41.1(b) of the Federal Rules of Civil Procedure, the parties, by and through their respective counsel, jointly move and stipulate that the above-entitled action and all claims and causes of action alleged therein be dismissed with prejudice and on the merits, with each party to bear its own costs and attorneys' fees. The parties further move that the Court enter the form of Order of Dismissal With Prejudice submitted herewith.

Respectfully submitted,



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Date: May 3, 2005

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FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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| <b>BARRY M. PORTNOY and</b>               | : |                           |
| <b>GERARD M. MARTIN, as Trustees for</b>  | : |                           |
| <b>HUB PROPERTIES TRUST,</b>              | : |                           |
| Plaintiffs,                               | : | <b>NO. 02-CV-2905</b>     |
|   | : |                           |
| v.  | : | <b>HONORABLE CLIFFORD</b> |
|   | : | <b>SCOTT GREEN</b>        |
| <b>OMNICARE PHARMACEUTICS, INC.</b>       | : |                           |
| and                                       | : |                           |
| <b>OMNICARE CLINICAL RESEARCH, INC. ,</b> | : |                           |
| Defendants.                               | : |                           |
|   | : |                           |

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**ORDER OF DISMISSAL WITH PREJUDICE**

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, 2005 upon consideration of the Joint Motion and Stipulation to Dismiss With Prejudice and for an Order of Dismissal With Prejudice,

IT IS HEREBY ORDERED that the Joint Motion and Stipulation is GRANTED and all claims and causes of action alleged in the above-referenced action are DISMISSED WITH PREJUDICE, with each party to bear its own costs and attorneys' fees.

IT IS SO ORDERED BY THE COURT:

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CLIFFORD SCOTT GREEN  
UNITED STATES DISTRICT JUDGE